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17 Attorneys for Defendants
18 ICON CLINICAL RESEARCH LLC; DOCS
GLOBAL, INC.

19
20 UNITED STATES DISTRICT COURT
21
22 NORTHERN DISTRICT OF CALIFORNIA

23 CHRYSTAL L. MILLER, individually and on
behalf of all others similar situated,

24 Plaintiff,

25 vs.

26 ICON PLC; LYNDA HOLCROFT; ICON
27 CLINICAL RESEARCH LLC; DOCS
GLOBAL, INC., and DOES 3-100,

28 Defendants.

Case No. 20-cv-04117-YGR

**ORDER GRANTING
STIPULATION TO REMAND CASE
TO STATE COURT**

1 **Additional Counsel for Plaintiff**

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1 Plaintiff Chrystal Miller (“Plaintiff”) and Defendants ICON Clinical Research LLC
 2 (“ICON Clinical”) and DOCS Global, Inc. (“DOCS Global”) (together, “Defendants”)¹
 3 (collectively, “the Parties”), by and through their respective counsel of record, hereby stipulate as
 4 follows:

5 WHEREAS, on April 20, 2020, Plaintiff filed an unverified class action complaint
 6 (“Complaint”) in San Mateo Superior Court alleging five causes of action on behalf of Plaintiff
 7 and a putative class of Clinical Research Associates (“CRAs”) under California law: (1) alleged
 8 failure to pay overtime wages; (2) alleged failure to provide meal and rest periods; (3) alleged
 9 failure to provide accurate, itemized wage statements; (4) alleged failure to timely pay all final
 10 wages; and (5) alleged unlawful and unfair business acts and practices;

11 WHEREAS, Plaintiff filed this action against ICON plc, ICON Clinical, DOCS Global,
 12 and Lynda Holcroft;

13 WHEREAS, on June 18, 2020, ICON Clinical and DOCS Global filed their Answer to
 14 Plaintiff’s Complaint;

15 WHEREAS, on June 22, 2020, ICON Clinical filed a Notice of Removal with this Court
 16 removing the action from San Mateo Superior Court to this Court on the basis that the Court had
 17 subject matter jurisdiction under the Class Action Fairness Act (“CAFA”);

18 WHEREAS, on July 22, 2020, Plaintiff filed a motion to remand the case to San Mateo
 19 Superior Court on the basis that CAFA’s local controversy exception applied, *see* ECF No. 9;

20 WHEREAS, on August 20, 2020, the Court issued an order denying Plaintiff’s motion to
 21 remand without prejudice, *see* ECF No. 14 (“Order”);

22 WHEREAS, in the Order, the Court determined that Plaintiff had established all of the
 23 requirements of the CAFA local controversy exception, save the requirement that Plaintiff show
 24 that “greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are
 25 citizens of the State in which the action was originally filed”;

26 WHEREAS, pursuant to the Order, the Court permitted Plaintiff to “conduct limited
 27 jurisdictional discovery regarding the citizenship of the putative class only”;

28 ¹ Defendant ICON plc and Defendant Lynda Holcroft have not appeared in the case.

1 WHEREAS, Plaintiff served discovery requests on Defendants;

2 WHEREAS, in response to Plaintiff's discovery requests, Defendants determined the
 3 following: From April 20, 2016, through June 22, 2020, the date that ICON Clinical removed the
 4 action to this Court, ICON Clinical had employed 132 CRAs in California and DOCS Global had
 5 employed 39 CRAs in California, for a total of 171 CRAs, which represents the total number of
 6 putative class members as of June 22, 2020. Of these 171 CRAs, 161 of the CRAs were citizens
 7 of the United States whose last known home address was a California address as of June 22,
 8 2020. Accordingly, over 94% of the putative class had last known addresses in California as of
 9 June 22, 2020;

10 WHEREAS, based on this information, the Parties agree that Plaintiff satisfies the
 11 remaining requirement of CAFA's local controversy exception that greater than two-thirds of the
 12 putative class be California citizens, *see* 28 U.S.C. § 1332(d)(4); and *Adams v. W. Marine Prod., Inc.*, 958 F.3d 1216 (9th Cir. 2020);

14 WHEREAS, the Parties further agree that this Stipulation is without prejudice to
 15 Defendants removing this action to this Court again should Lynda Holcroft be dismissed from the
 16 case and that Plaintiff reserves all challenges and objections to any potential future removal of the
 17 action;

18 WHEREAS, the Parties further agree that, based on this Stipulation and the Court's prior
 19 Order on Plaintiff's motion for remand, the action should at this time be remanded to the San
 20 Mateo County Superior Court; and

21 WHEREAS, the Parties further agree that they shall bear their own fees and costs
 22 associated with the removal to federal court and the remand to state court.

23 NOW THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and
 24 Defendants, through their respective counsel, as follows:

25 1. The Parties incorporate by reference, and stipulate to, all points and agreements in the
 26 above fact section; and
 27 2. The action should be remanded to the San Mateo County Superior Court.

28 IT IS SO STIPULATED.

1 Dated: October 29, 2020

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KEEGAN & BAKER, LLP

By /s/ Patrick N. Keegan
Patrick N. Keegan

Attorney for Plaintiff
CHRYSTAL L. MILLER

Dated: October 29, 2020

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Andrew P. Frederick
Christopher J. Banks
Andrew P. Frederick

Attorneys for Defendants
ICON CLINICAL RESEARCH LLC and
DOCS GLOBAL, INC.

ORDER

For the reasons stated in the Parties' stipulation and for good cause appearing, the Court finds that the local-controversy exception to CAFA applies to this case, 28 U.S.C. § 1332(d)(4), and **REMANDS** this action to the San Mateo Superior Court effective the date of this Order.

IT IS SO ORDERED.

Date: November 3, 2020


Yvonne Gonzalez Rogers
United States District Court